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ABSTRACT

This paper considers the following methods for altering ESEA Title I to improve compensatory education: increasing participation of secondary students; designing longitudinal projects that follow children through the grades; encouraging evaluations to follow children longitudinally, and to assess sustained effects; experimenting with projects to use the summer months in a more productive way; and creating "legal" alternatives to pullout programs. Options are presented for accomplishing each goal. Each option describes actions that could be taken to bring Title I more in line with research findings about compensatory education. General encouragement of positive change is discussed as an alternative if these options are found to be unacceptable. Resource materials, sample legislation, and additional discussion of options are appended. (MK)

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IMPROVING COMPENSATORY EDUCATION THROUGH CHANGES IN ESEA TITLE I

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IMPROVING COMPENSATORY EDUCATION THROUGH CHANGES IN ESEA TITLE I

BACKGROUND

Title I Now

The reauthorization debates of the Elementary and Secondary Act of 1965 provide an opportunity to bring to bear whatever has been learned about compensatory education in general, and ESEA in particular, over the last decade. What has been learned is best understood when prefaced by a description of Title I as it now is. Title I is a categorical program which provides money to school districts for the purpose of assisting low achieving students in low income neighborhoods. Its programmatic characteristics are by now quite clearly defined.

(1) Most of the selected grades are P-K to 6, and the vast majority of Title I participating students are in these grades (between 80 and 90 percent).

(2) Districts establish projects in a selected grade or grades, and successive cohorts of students move through these programs.

(3) Almost all Title I activity takes place during the regular school year (we estimate at least 90 percent), with very little activity during the summer.

(4) Districts assess the effects of these projects by conducting Fall to Spring evaluations of student skills.

(5) The project design overwhelmingly used by districts is one based on a pullout model (85 percent of projects) which provides students with special skills instruction (approximately seven hours per week).

What We Have Learned

National studies of Title I vary on some points, but agree on the following broad conclusions. Children who participate in Title I do improve their skills between the Fall and Spring of program years. This has not, however, resulted in any long term or widespread amelioration of the problem of low achieving students. In fact, despite progress during the treatment periods, we have no evidence that at the end of the sixth grade, Title I students are better off than eligible students who have not participated. The present system of compensatory education simply has not addressed itself to these long term problems. This alarming fact emphasizes the clear necessity of changing the Title I program now.

There has been an assumption that if the program is less than wholly successful, the major reason is that local districts and state officials are not complying with the law and the regulations. Therefore, the solution to ineffectiveness must be to tighten the regulations and intensify their enforcement. But studies of the management of Title I show that we cannot continue to blame the lack of widespread success on either extensive non-compliance or an inadequate enforcement. Inevitably there are some disputed expenditures, but the vast majority of districts and states are adhering conscientiously to the law and regulations.

Therefore, we must face the disturbing proposition that something is wrong with the program itself--that is, with some of the common practices, with some of the rules and regulations, and with some of the theoretical assumptions that underlie these practices and policies.

This conclusion, although disquieting, need not be threatening. On the contrary, it opens up the possibility of beginning to identify certain aspects of the program that can and should be revised. Among these are the following:

(1) Even the most "successful" compensatory education interventions in the early grades do not have such high or sustained effects that the children in those programs need no further help. However, when these same students are in the intermediate and secondary grades they are usually excluded from Title I programs despite their indisputable need for assistance, and despite the strong record of project success at these grade levels. If compensatory education is going to be anything but cosmetic, it must deal with low income and low achieving students throughout their school careers, providing appropriate assistance at all grade levels.

(2) There is a substantial loss over the summer of regular term Title I project gains. This loss is so great that in many cases it can undo all or most of the gains of even very well designed and implemented projects. Preventing this loss through better school year programs, through appropriate summer interventions, or through some other means is absolutely vital.

(3) What we know about testing, about achievement, about project design and about grade intervention all point in the same direction: no single intervention can effect a miracle cure for the educationally disadvantaged. On the contrary, the most desirable type of program would appear to be one which provided coordinated, longitudinal help to students, and thus provided for a steady development of intellectual skills throughout the school year and summer, and from year to year, for several years.

(4) Evaluations based on the analysis of only data from the fall and spring cannot assess the presence or absence of a sustained program impact. Moreover, such fall-to-spring evaluations cannot give us any information about what we now know to be a critical summer period. Until such time as this model is changed to one using fall-to-fall (or fall-to-spring-to-fall) evaluations designs, and which follow individual children longitudinally, we will lack the very information most needed to assess, change and improve Title I projects.

(5) It is unclear why the great majority of districts choose to establish pullout projects. Current audit practices may contribute much to their choice. While there are undoubtedly many effective pullout projects, research and evaluation have presented no evidence that they are any more effective than projects that are conducted in the regular classroom, or that use other

organizational arrangements. The leadership of the school principal and broad involvement by school staff seem to be closely related to the effectiveness of projects; heavy reliance on teaching specialists and separate classes (as in many pullout projects) tends to dissociate compensatory education from the rest of the school program and staff. Given these concerns, the audit practices appear to be unnecessary and unproductive constraints on the clear intention that districts should have great discretion over the type of program that is run. Moreover, common sense indicates the need to create greater flexibility with respect to alternatives for LEAs.

This is by no means an exhaustive list of either what is known about compensatory education or what should be known. But sound research evidence supports these findings, and they contrast sharply with the present characteristics of Title I.* In order to bring Title I practices more in line with what has been learned, some set of modifications in the Title I law is necessary.

Specifically, we need to consider methods for:

- Increasing the participation of secondary students (grades 7-12).
- Designing longitudinal projects that follow children through several grades.
- Encouraging evaluations to follow children longitudinally, and to assess sustained effects.
- Experimenting with projects that use the summer months in a more productive way.
- Creating "legal" alternatives to pullout programs.

These objectives could, of course, be accomplished through a drastic and almost total reformulation of Title I. But even if such action were

indisputably wise, it would almost certainly be politically and administratively infeasible.

However, research experience can direct us toward moderate changes in policy that can be expected to have a beneficial effect on the program. The next step should involve acting on the strongest evidence, the best knowledge and the most educated hunches that currently exist.

General Consideration

The paper describes various ways in which the ESEA statute can be altered to further the goals listed above. In considering this problem, we have followed some general principles which it may be helpful to state.

There is a spectrum of statutory language which expresses the degree of firmness that the federal government wishes to take. At one end of this spectrum is language that flatly requires a specific action. At the other end is language to the effect that a specific action is not prohibited. Choosing a position along this spectrum depends, in part, on how certain we are about the wisdom, necessity and feasibility of the practice we want to encourage. The more certain we are, the stronger the appropriate language.

We also recognize that merely changing the law will not automatically change practices in the field so that they conform to the spirit as well as the letter of the proposal. Change is truly effective only when people understand the necessity for new practices and move toward them willingly rather than under duress. Therefore, we have attempted to devise changes in procedures that we believe will help LEAs to see and understand important problems for themselves. Whenever possible, we have also tried to increase their willingness to change by providing some incentive or reward for doing so.

Finally, we proceed from the belief that while administrative inconvenience and recordkeeping difficulties are very significant problems, they should not be the sole reason for refraining from a change in Title I if that change will make the program as a whole more effective.

OLDER STUDENTS

Title I Now

The vast majority of Title I participants are students in the elementary grades. Nationally, secondary students constitute a little under 20 percent of all Title I participants; in some states secondary students constitute as little as 5 percent of all participants. This pattern has become more pronounced every year.

What is the Problem?

Even the most "successful" compensatory education interventions in the early grades do not have such high or sustained effects that the children in those programs need no further help. However, when these same students are in the intermediate and secondary grades they are usually excluded from Title I programs despite their indisputable need for assistance, and despite the strong record of project success at these grade levels. If compensatory education is going to be anything but cosmetic, it must deal with low income and low achieving students throughout their school careers, providing appropriate assistance at all grade levels.

Options for Change

The certainty of the need for greater participation by older students in Title I justifies clear action. Options A and B are alternative methods of taking this action. Option C describes supportive measures which would help to reinforce either of the other options.

A. New Selection of Attendance Areas

The broadest and most immediate action would be to require all districts to serve some students in grades 7-12 (presuming, of course, that they are not "elementary only" districts). One way to do this would be to require that districts create separate rankings of attendance areas by grade span, and that they serve the first ranked school in each group before the next ranked in any other group. However, this extreme action would produce heavy bias in favor of secondary schools. That is, since a larger number of students are enrolled in each junior high school or a secondary school than in each elementary school, mounting the same number of projects (of sufficient size, scope, and quality) at every level would result in serving many more secondary students than elementary students.

Since the intention is to achieve more equitable participation (and not merely to shift from one over-concentration to another) we suggest that the statute direct LEA to select attendance areas so that the proportion of students served in each grade span will be about the same as the proportion of all LEA students enrolled in those grades. Thus, if about 50 percent of all students are enrolled in elementary schools, about 50 percent of Title I participants should be in the elementary grades, and so on.

At present, school rankings are discussed only in the regulations, and are not treated in the statute. Given the far-reaching implications of change proposed in this option, it is particularly desirable that it be treated directly in the statute.

The simplest way to do this would probably be to insert an additional paragraph to Section 141a of the Act. The paragraph would need to direct, first, that rankings be established for attendance areas by grade span (as discussed previously in the same section) and, second, that LEAs select

attendance areas consistent with these rankings and in proportion to the total enrollment of students by grade span.

It is useful to note that the effect of these changes is really only to modify the "decision rules" by which schools are chosen, not to add tedious new procedures. All of the information required is now available to districts and is already used for other purposes. For example, the construction of separate rankings by grade span would involve the same grade span groupings as are now used for comparability reporting.

If this option is taken, changes will also be necessary in some aspects of needs assessment; this can be done through regulatory change rather than statutory amendment. To maximize the efficacy of this provision it would be useful to repeal the present two-year hold harmless on eligibility (Sec. 141a(13) of the Act).*

B. Using Marginal Appropriations

The same objective may be attained over a longer period of time taking actions which would affect only "new money" rather than the existing Title I appropriations base. The most efficient way to do this is to draw a baseline at the FY1978 appropriation, and stipulate that all subsequent increases be spent on grades 7-12 until a balance has been reached proportionate to district enrollment.

The specifics of this strategy are described in some detail in Tab B. In general, the distribution of money would follow the present procedures to county and subcounty levels, but a distinction would be made between "base" funds and "marginal" funds. Base funds would be almost entirely at the districts' discretion, while marginal funds would be

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*An intermediate position would be to suspend the hold harmless for one or two years so that adjustments pursuant to the above changes could be accomplished. Thereafter, the two-year hold harmless could be reactivated.

required to be used to sponsor new projects in the intermediate and secondary grades. Once a district could demonstrate that Title I money was being divided equally between grades 1-6 and 7-12 (adjusted to enrollments in these grade groups) restrictions would be removed, subject to the maintenance of this balance. This plan could effect steady and stable balancing of Title I services and participation throughout the elementary and secondary grades.

The specific legislative change needed to implement this proposal could be accomplished by adding a new Section 152 of the Act. This Section would need to provide guidance on three subjects. First, it would need to detail the allocation of money from the federal level to the school attendance area. Second, it should insure that prior district Title I expenditures in grades 7-12 are not simply replaced by the new funds (a form of internal supplanting). Third, it should probably provide a statutory definition of "secondary attendance areas." Such a plan would be both administratively and technically feasible, since it minimizes the disruption of present expenditures.

C. Neutral Procedures

Certain provisions of the law and regulations, when coupled with a policy favoring the lower grades, have the effect of further perpetuating the early grade orientation of Title I. For either of the preceding options to be most effective, they should be accompanied by either statutory revisions or new regulations which make certain other procedures are more neutral with respect to student selection.

Parent Advisory Councils. Parent Advisory Councils are composed of at least a majority of parents of students presently participating in local Title I projects. These PACs play a part in selecting, designing and approving each year's projects.

Since most Title I projects are in the early elementary grades, PACs are composed largely of parents of young students. They will naturally want next year's project to serve these same children, while the parents of older, eligible but unserved students will not be assured of equal representation in the decision and approval process. In theory, the present system could eventually serve adolescents, if the parents continued to demand programs to serve their own children (who would eventually reach the junior and senior high grades). In practice even this does not happen, however, as there is such a high turnover of PAC members. To improve the situation, district level PACs should be composed of a better balance of parents of various aged students. This could be accomplished through a minimal revision to section 141a(14) of the Act which specified that parent members of district PACs represent, proportionately, all the grades served by that district.

Needs Assessment. The procedure for conducting needs assessments was first specified in the regulations in 1976. The problem is that the present procedure allows an LEA to make a decision to serve students in a particular grade or grades (e.g., grades 1-3 or 1-6) before deciding which of the educationally deprived children are "most in need" of Title I assistance, or before "all target group children" are identified. This procedure might be acceptable were it not for the existence of entrenched policies favoring the early grades' participation in Title I programs. In addition the procedure allows LEAs to choose not to assess the needs of all potential participants.

The statutory basis for the needs assessment is in the law's policy statement that Title I money is to be used so as to "contribute particularly to meeting the special educational needs of educationally deprived children." (Sec. 101 of the Act.) From this language it follows that educationally deprived children and their special educational needs must be identified. In order to correct the present situation and

restore procedural neutrality, the statute will need to formally recognize the needs assessment process, assure that no grades are excluded from the needs assessment, and assure that students are selected for participation based on the needs assessment.

These changes do not abrogate the general discretion of LEAs to select Title I participants, or to determine which needs are to be assessed. They simply assure that in making these choices the LEA has assessed the needs of all potential participants and has made its decision on objective and current information.

Finally, it might be thought that a "neutral procedures" option should at least create separate rankings for different grade groups, even if LEAs are not directly required to serve older students. The reasons we suggest this not be done are discussed in Tab B.

Summary

Two major options are available for increasing the participation of older students. The strongest (A) would require LEAs to rank eligible schools by grade span and to serve schools proportionately, in order, from all such groups. Thus it would affect the entire Title I appropriation. A more moderate option (B) would earmark Title I appropriations beyond the FY1978 budget to be used in grades 7-12, thus it would affect only new or "marginal" dollars. In adopting either option it would also be wise to modify present procedures in needs assessment and Parent Advisory Committee composition to create a more neutral administrative and policy environment.

SUMMER AND LONGITUDINAL PROJECTS

Title I Now

The typical local project provides special assistance to the eligible students in a selected grade or grades, and successive cohorts of students move through these projects. Thus students pass "through" projects on the basis of their age, rather than according to the type or severity of their special educational needs.

Almost all Title I activities take place during the regular school year, with very little activity during the non-school summer months. What summer programs do exist are usually planned and implemented without reference to regular school year Title I project serving the same geographic area and the same student target group.

What is the Problem?

Present practices provide little or no educational continuity to the students who need special services, and provide help in short "doses" that have no chance to accumulate and be reinforced. What we know about testing, about achievement, about project design and about grade intervention all point in the same direction: there is no single grade and no single intervention design that can effect a sudden cure for educationally disadvantaged. On the contrary, the most desirable type of program would appear to be one which provided coordinated, longitudinal help to students, and thus provided for a steady development of

intellectual skills throughout the school year and summer, and from year to year.

The summer is a time of particular concern because there is a substantial loss over the summer of regular term Title I project gains. This loss is so great that in many cases it can undo all or most of the gains of even very well designed and implemented projects. Preventing this loss through better school year programs, through appropriate summer interventions, through more realistic student selection or through other means is absolutely vital.

Changes in the law regarding summer and longitudinal projects both arise from the same problem: if temporary gains are to be sustained and built on, local projects need to have greater continuity both in their design and in their student participants. As a result, the appropriate legislative actions are much the same, and therefore are best treated together.

Options for Change

The three options discussed below make it easier (but not mandatory) for districts to conduct programs with more educational continuity, and bring the necessity of such treatment to the attention of those who design local projects.

A. Modified Procedures

The strongest and most desirable option is to institute a package of changes in the procedures for applications, project design, and student selection, as discussed below.

Applications. Summer programs which are planned and executed separately from school year programs are a natural result of the administrative fact that a separate application is required. Thus, summer Title I efforts have in truth been different projects in terms of the

kinds of activities they sponsor, the students they served, and even the objectives to be met.

This is precisely the type of summer projects that should not be encouraged. Rather, the goal is to have summer projects that are integrally related to local school-year projects, so that they will have the best possible chance to reinforce and sustain students' previous gains.

In addition to the purely administrative functions of the application, it is also used for a variety of regulatory and educative purposes. These multiple functions suggest that if we are unwilling to mandate summer programs* much can nevertheless be done to encourage and facilitate greater project continuity.

This can be done through a statutory change which uses the application process as an occasion upon which districts must consider the problem of summer learning loss (and, we hope, thereby consider the merits of longitudinal programs). Such a change would require that districts show in their applications how they intend to overcome or prevent the loss of skills improvement during those times when students are not in school (i.e., over the summer) or not participating in Title I (i.e., the variety of other circumstances that make participation unstable).

Sec. 141 of the Act sets forth criteria to be used by the SEA in approving LEA applications. An addition to that section could require demonstrating that the LEA has developed plans to assure that participants receive special assistance designed to continue and reinforce gains made while participating in Title I including consideration of the benefits of coordinated activities conducted during the summer months and of longitudinal projects.

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*A prudent restraint given current knowledge and political factors.

In order to clarify the statute, a definition of "longitudinal program" should also be added to Section 403 of the Act. By longitudinal program we mean an overall plan for a set of activities designed to assist certain educationally deprived children throughout several successive years so as to reinforce and sustain a level of achievement appropriate for children of their age.

Selection and Retention of Students. Present regulations regarding the selection of Title I participants make it difficult to keep a student in a project once some progress has been made. The reasons for this are somewhat complex. Districts are required to serve the students "in greatest need of assistance," in order to prevent abuses such as ignoring low-achieving students altogether, or selecting students only a little below some average level of achievement. Obviously, once a student has made some progress, he/she may not be in the greatest need vis-a-vis other low-achieving students.

The 1976 regulations included in Sec. 116a.22(e) "Selection Criteria," a modification intended to avoid the necessity to prematurely 'graduate' students from Title I participation who had not yet attained a level of achievement "appropriate for children of their age." Thus, LEAs are now allowed to select students who are still educationally deprived (i.e., have not attained a level of achievement appropriate for children of their age), and who participated in a prior year's Title I project.

While this change is a useful one, it does not seem to go far enough toward encouraging longitudinal programs. Specifically, the language is unclear as to whether the "hold harmless" lasts for only one year, or continues as long as the particular child is still educationally deprived. In addition, the regulation precludes selecting a student who has begun to achieve at a level appropriate for his/her age but who would benefit from an additional year of participation to reinforce and sustain that gain.

Some portions of student selection criteria should be upgraded from regulations to the statute, probably by creating a new Section 141b of the Act. This subsection should address the issue of selecting participants when all eligible children cannot be served, stressing three criteria: 1) greatest need for special assistance, 2) participation during the previous year and/or 3) need for an additional year to reinforce and sustain previous gains. In addition, the section should specify that these determinations be based on a student's level of achievement at the beginning of the school year covered by the application. This is crucial because, otherwise, projects may overlook students who have suffered serious summer losses.

Coordinated Planning. One factor which may create inertia on summer programs (and indirectly on longitudinal programs) is the present need to make a separate application for summer programs. Therefore, changing this procedure should be changed so that summer programs which are an integral extension of district school year programs are described and funded as part of the single annual application.

As discussed previously, separate applications for summer programs have been a natural administrative outgrowth of the fact that summer projects are thought of as separate from school year projects. Thus the place to start correcting the situation is by revising our understanding of the relationship of school year and summer activities. This can be done simply, by creating a new definition of "program" for Title I purposes.

In the pre-1976 regulations there were definitions for the terms "program" and "project" (Sec. 116.1(t) & (u)).* These definitions were deleted in the 1976 changes, and "program" and "project" have for some time been used almost interchangeably in Title I. To set in motion

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*45 CFR Part 116 (1974). Definitions similar to those in the pre-1976 Title I regulations are now found in the GEPA regulations--Sec. 100.1.

the administrative adjustment to encourage coordinated summer projects, we suggest that this distinction be reasserted, and defined formally in Section 403 of the Act.

For this purpose "program" means an overall plan with respect to funds made available under Title I designed to (1) coordinate activities conducted in the summer with those of the regular school year and (2) consider the benefits to be derived through the operation of longitudinal projects as defined in paragraph (18), so as to insure that participants receive special assistance designed to continue and reinforce gains made through assistance provided under such subchapters.

Similarly, "project" means an activity or set of activities proposed by a local educational agency and designed to meet certain of the special educational needs of educationally deprived children, and to implement a 'program,' as defined in paragraph (19).

Since the statute currently refers to "programs and projects" generally, this change not only clarifies the distinction but requires a "program" by definition to coordinate school year activities with those in the summer.

We suggest that the definition be worded in such a way as to ensure that when summer activities are established they are coordinated with school year Title I activities, but not so as to make summer activities mandatory.

B. Experimental Program

Applied research and experimentation is needed in order to determine the most effective ways to prevent, reduce or recover summer losses and to maximize year-to-year gains. In order to do this as quickly as possible, some number of projects should be established under the direct supervision of the Federal government for design, operation and

evaluation. The purpose of the program would be to assist selected LEAs in the development, design, implementation and evaluation of programs specifically designed to alleviate or negate achievement loss of participants during the summer months.

It would be useful if the Commissioner were authorized to waive any provision of Title I or its regulations for the participating LEAs if, in the judgment of the Commissioner, such a waiver would specifically help test the effectiveness of an innovative practice to alleviate summer and year to year loss. Particular consideration shall be given to such innovative designs as year-round schools, planning and inservice designs to maximize year to year retention of skills gains, longitudinal projects to assist a selected group of students for several consecutive years.

This is a rather modest option because it creates no change in the actions or attitudes of most districts, and because such experimental programs have not typically been greeted by Congressional enthusiasm. Since it fills a gap left by the first option, we suggest that both be done. However, even if the set of changes in Option A is not adopted, this experimental program could (and in that case should) be instituted separately.

C. Policy Statement

A third option with respect to program continuity would neither create a special program nor give new instructions to districts. Instead it inserts references to the need for sustaining achievement gains into the general language of the statute. Doing this adds emphasis and legitimacy to the ideas, which may eventually be further recognized in regulatory policies. It is a very modest change, but worth consideration.

The statement of Congressional policy for Title I (found in Section 101) has remained virtually unchanged since 1965.* Since then,

*The current language appears in Tab B, along with a discussion of the reasons for the changes proposed.

changes in the way Title I is operated and thought of call for a change in that statement. Additionally, the changes proposed with respect to summer and longitudinal would be bolstered by their inclusion in the policy statement.

Declaration of Policy

Sec. 101. In recognition of the special educational needs of children of low-income families and the impact that concentrations of low-income families have on the ability of local educational agencies to adequately serve those needs, the Congress hereby declares it to be the policy of the United States to provide financial assistance (as set forth in the following parts of this title) to local educational agencies serving areas with concentrations of children from low-income families to supplement and improve their educational programs by various means (including preschool, longitudinal and summer programs) which contribute particularly to meeting the special educational needs of educationally deprived children, and which are designed to continue and reinforce gains made by such children through participation in such programs.

This change in the policy statement of the law is desirable as an addition to options A and/or B above. However, if neither of the other options is adopted, this policy statement could (and should) be made.

Summary

Three options are presented for encouraging greater continuity of educational practices and student participation in local projects. The first and most influential (Option A) would institute changes in applications, project design, student selection and needs assessment that would bring these needs to districts' attention and allow (but not mandate) appropriate modifications in project designs. The second (Option B) creates a special program of grants to experiment and assess new designs.

The third (Option C) legitimizes project continuity through general statements of Congressional intent. These three options are not mutually exclusive, and can be adopted either individually or together.

EVALUATION

Title I Now

ESEA requires that state programs and local projects evaluate their effectiveness "at least annually" using some objective measurement. Almost without exception, local projects fulfill this requirement by comparing the Fall (pretest) and Spring (posttest) achievement scores of participating students on a norm referenced test. Now evaluation models recently developed and disseminated by OE also use this pattern.

What is the Problem?

Evaluations based on analysis of only data from the fall and spring cannot assess the presence or absence of a sustained program impact. Moreover, such fall-to-spring evaluations cannot give us any information about what we now know to be a critical summer period. Until such time as this model is changed to one using fall-to-fall (of fall-to-spring-to fall) evaluations designs, and following individual children longitudinally, we will lack the very information most needed to assess, change and improve Title I projects.*

Options for Change

If all of the changes suggested under the separate section "Summer and Longitudinal Programs" were made, then perhaps no additional modifications would be necessary in order to meet our objectives with respect

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*This discussion is focused on the time frame of evaluations, and does not address the question of which tests (e.g. norm referenced or criterion referenced) and which metrics are most useful.

to evaluation. However, it is unsafe to assume that this will be done. Therefore, in this section we describe separate actions for modifying present Title I language and procedures to create a more flexible evaluation strategy.

Studies of evaluation and summer loss are persuasive that changes in the timing and procedures of evaluation are of great importance to improving the whole Title I effort. Current evaluations are based on either one measure each year or on fall and spring measures from the same school year for entire projects. Neither method of evaluation reflects whether gains are sustained through the summer or, moreover, whether gains accumulate over several years of participation in the program. The actions described in this section concentrate on encouraging districts to adopt evaluation strategies that include assessments of students over more than just a nine-month school year and on developing the capacity of SEAs to assist LEAs in developing the applying longitudinal evaluation strategies.

There are cogent arguments, both philosophical and technical, against prescribing in the statute specific methods to be used for conducting local project evaluations. It is also the case that many SEAs and LEAs have limited technical resources. Therefore, the tone of these options is one of encouraging longitudinal evaluations rather than prescribing them. But it seems necessary at a minimum to know the extent to which participants in a given program are experiencing summer loss, or are not sustaining compensatory education gains beyond a single school year. It is the first, most important and most appropriate step to take at this time.

A. Application Criteria

The annual program application is the occasion for LEAs to make a large number of decisions about the content and procedures of compensatory

education during the following year. It is the responsibility of the SEA to review and approve of disapprove district applications and this "review and approval" function of SEAs is carried out according to an articulated set of criteria.

Among these criteria found in Section 141a of the Act, is the requirement that procedures for evaluation be adopted. We suggest adding to the current paragraph (6) a requirement that the LEA give "due consideration" to the extent to which gains made by participants during the prior year have persisted to the beginning of the following year. This change would not force districts to adopt new methods of evaluation, nor to incur costly changes for which they are not prepared. But it would ensure that in the course of applying, districts are reminded annually of the seriousness of the summer loss phenomenon, and are acquainted with a method of assessing its importance to their own project and goals.

B. Commissioner's Evaluation Models

The federal level exerts influence in several ways. The most obvious way is through the requirements it places on local districts that receive federal funds. An equally important source of influence is the leadership by example which it provides through federal research and dissemination efforts.

P.L. 93-380 added a new Sec. 151 of the Act which requires, among other things, that the Commissioner develop models for the evaluation of Title I programs. This is an appropriate place to amend the statute to express Congressional intent that such models incorporate assessments of sustained gains on a longitudinal basis.

This could be done by making two changes. The first would add to subsection (d) a statement that the models to be developed shall include procedures for assessing the impact of the program sustained beyond the school year. The second would delete the parenthetical statement in

subsection (e) and replace it with a move specific statement of the type of longitudinal studies at issue--namely, those which assess the level of achievement of individual participants at the beginning of the next school year.

C. Capacity Building

There is great variation among districts with respect to their ability to design, conduct and use evaluations; while some are certainly capable of conducting multiyear longitudinal studies, probably most are not. Moreover, many states are not prepared to assist those LEAs that lack experience and expertise with these techniques, or to make use of such information should it exist at the LEA level. Realistically, then, the first step should be to increase the capacity of SEAs to understand and use these analysis methods, and to give technical assistance to districts. Creating a special program or section of the law to do this would be unnecessarily cumbersome, given the prior existence of ESEA Title IV C. The more expedient approach would be to add these activities to the list of purposes for the use of grants for innovation, as found in Section 401 of Title IV of the Act.

D. Definition

The present law uses the term "longitudinal studies" in the section requiring the Commissioner to develop evaluation models (see above, page 24) but does not include a definition of this term. Some distinction may need to be made, therefore, between these "longitudinal studies" already provided for, and the district and state "longitudinal evaluation" that are of concern here. In any event it would be wise to provide a uniform definition of longitudinal evaluation in order to avoid further ambiguity in the statute, and to avoid having to define the term every time we use it in other recommended changes.

Our use of the term 'longitudinal evaluation' as referred to an assessment that, at minimum, measures the achievement of students upon entry into a Title I program (fall of a school year) and twelve months later (fall of the next school year) for each year of program participation by such students. This might be a useful guide for the needed statutory language.

Summary

If the options discussed previously under "Summer and Longitudinal Programs" are not adopted then we suggest three change options directed specifically at evaluation practices. The first option assures that districts give "due consideration" to the summer loss phenomenon when planning and applying for projects. The second option provides for development and dissemination of useful models for evaluation summer loss and/or sustained gain. The third option would help SEAs develop the capacity for giving technical assistance to LEAs wishing to conduct longitudinal evaluations. A formal definition of "longitudinal evaluation" is also suggested to reduce confusion in the statute. The three options (and the definition) are not mutually exclusive, and we suggest that as many as possible be undertaken simultaneously.

"LEGAL" ALTERNATIVES TO PULLOUT PROJECTS

Title I Now

The most common project design (used about 85 percent of the time) is one in which educationally disadvantaged students are removed from their regular classrooms to receive extra instruction in reading, language arts or math. This instruction is usually provided by a specially certificated teacher who doesn't have other (non-Title I) duties in the school. Students typically receive about seven hours per week of this special instruction. This type of project is generally referred to as a "pullout" project. A variety of other project types constitute the remaining 15 percent of local projects.

What is the Problem?

It is unclear why the great majority of districts choose to establish pull out projects. Current audit practices may contribute much to their choice. While there are undoubtedly many effective pullout projects, research and evaluation have presented no evidence that they are any more effective than projects conducted in the regular classroom, or which use other organizational arrangements. The leadership of the school principal and broad involvement by school staff seem to be closely related to the effectiveness of compensatory education projects; heavy reliance on teaching specialists and separate classes (as in many pullout projects) tends to dissociate compensatory education from the rest of the school program and staff.

Given these concerns, audit practices which differentially encourage pullout projects appear to be unnecessary and unproductive constraints

on the clear intention that districts should have great discretion over the type of program that is run. Common sense indicates the need to create greater flexibility with respect to alternatives for LEAs.

Options for Change

The central concerns about local projects are that much of the local discretion intended by the law has been abrogated by increasingly narrow interpretation by federal agencies, and that suggestive evidence exists that some aspects of the prevailing pullout projects have limited educational merit. Therefore, the objectives of legislative changes are simply to create more legitimate flexibility for LEAs, and to state this in the law.

A. Reservations to the Supplanting Clause

The heart of the constraints on local project design and organization lies in the conflict which has developed between the clear Congressional intent that districts shall design their own projects and the equally clear desire of the Congress to protect federal monies from abuse. The former is expressed in the Sec. 241a policy statement and in the way Title I is structured; the latter is expressed in the "no supplanting" clause (Sec. 141(a)(3)(B) of the Act). The practical problem is that enforcement of the latter has conflicted with the former. The fine points of this legal tangle could be pursued almost indefinitely. But a more effective course is to clarify the statements of the law in such a way that productive action, rather than debate, occurs.

To do this, the supplanting clause should be followed by a statement that nothing in the preceeding shall be construed to prohibit providing special assistance entirely or partially in the student's regular classroom, or in any other way, provided that it can be determined that other provisions are met.

B. Assistance for Assuring the Legality of Projects in Regular Classrooms

The primary hurdle to establishing more projects in regular classrooms is the perception by SEAs and LEAs that such projects cannot be made to conform with the standards and interpretations of federal auditors.* Careful study of the statute and regulations suggests that other types of projects can be run but there have been few is any attempts to precisely describe the administrative procedures (audit trails) which would be needed. This applies equally to projects in the regular classroom and to other possible departures from the pullout model such as cross-age tutoring, content area projects and special summer programs.

Before LEAs will be willing to undertake more innovative projects, a path needs to be indicated through the formidable body of existing rules and the interpretations which auditors make of these rules. This is a task best undertaken by a cooperative effort by the federal agencies that administer and enforce the law.

The expertise of the various agencies that are now involved in deciding what is, or is not, appropriate use of Title I money should be pooled in order to describe how such projects can be brought out of the legal "gray area." These agencies include the Commissioner (i.e., Office of Education), the Assistant Secretary, Comptroller (i.e., the HEW Audit Agency), and the Comptroller General (i.e., the General Accounting Office). These are the agencies which will need to collaborate in assisting SEAs, and indirectly LEAs, to devise methods for assuring the legality of projects operated in regular classrooms, and in other non-standard ways.

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*This perception may be attributable in large part to the number of audit exceptions which have been taken to the use of Title I money for class size reduction projects.

When this has been done, the results should be published as a compilation of the methods and procedures that have been developed. This might be thought of as a "how-to" book for assuring the appropriate use of funds by a LEA embarking on alternatives to the pullout design which involve services to Title I students in regular classrooms.

Although this might be done by statutory direction, the less cumbersome and more judicious way to accomplish the same end would be a directive from the Secretary.

Summary

Considerations of both equity and educational merit suggest that LEAs should have greater flexibility in developing local project designs. Two options are discussed for accomplishing this. The first option is to specifically state in the law the legitimacy of alternative project designs. Under the second option the Secretary would direct the relevant agencies to devise methods of assuring the fiscal and administrative legality of projects using designs and organizations other than the simple pullout. These two options can and should be adopted simultaneously.

PRIORITY USES OF NEW FUNDS

In each of the preceeding sections we have described actions which could be taken to bring the ESEA statute more in line with what research evidence has found about compensatory education over the last twelve years. These actions can be taken independently or jointly, and we recommend the latter.

However, should it become clear that none of these options is acceptable, then there still remains the possibility of providing some general encouragement in the language of the statute.

This option leaves the greatest amount of discretion with state and local agencies. Rather than directing the use of Title I monies for any particular purposes, or to any particular students, the statute could simply require that LEAs, in making applications, and SEAs, in approving applications, consider incorporating in Title I projects the changes discussed above. The only "teeth" in this option would be that the Congress had identified these areas as having been neglected in the past and being in need of greater attention in the future design and operation of projects.

While the lack of any requirement that these things be done is a distinct disadvantage, the advantage is that some LEAs will begin thinking about and experimenting with the described features. This would, at minimum, provide some information which could be of use in later amendments to the law.

The easiest place to provide such general encouragement would be Sec. 141 of the Act, dealing with the LEA application. A new subsection (c) would, in that case, express the intent of Congress that greater attention be paid to certain activities and organizational arrangements in Title I programs and projects, and specify that in its application, give due consideration to:

(1) providing services to educationally deprived children in grades seven through twelve,

(2) the design of summer activities which are coordinated with the prior year's projects to insure that participants receive assistance designed to continue and reinforce the gains made during the prior school year,

(3) projects specially designed to provide continuity between special assistance under this subchapter and the participating students' regular classroom experiences, and to minimize the isolation of educationally deprived children selected for participation from other students,

(4) providing for the continuation of services made available under this subchapter to students who participated in the prior year but who are (A) not achieving at a level appropriate for children of their age, or (B) are in need of an additional year of participation to continue and reinforce gains made during such prior participation,

(5) including provisions to assess the extent to which achievement gains made by participants in programs under this subchapter persist at least to the beginning of the following school year.

TAB A

SELECTED SOURCES

SELECTED SOURCES

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H. R. Winslow, A. M. Hershberger and T. C. Thomas, "Trends in the Management of ESEA Title I," Stanford Research Institute, Menlo Park, California, Working Draft (May 12, 1977).

J. M. Yinger, K. Ikeda, F. Laycock, and S. J. Cutler, Middle Start: An Experimental Enrichment in Early Adolescence, Cambridge University Press, Cambridge, England, to be published June 1977.

TABS B1 - B5

As an aid to considering the options that are described in the text, Tabs B1 - B5 present sample legislative language for each option. In some cases, additional discussion of existing or sample legislative language is also provided, in order to clarify certain choices.

TAB B1

OLDER STUDENTS: SAMPLE LEGISLATION AND ADDITIONAL DISCUSSION

B1 OLDER STUDENTS

New Selection of Attendance Areas

Sample Legislation

A new paragraph (15) is added to Sec. 141(a) of the Act, reading

> (15) that where the number of attendance areas described in paragraph (1)(A) is greater than the number of such areas to be served consistent with paragraph (1)(B), rankings of such areas (pursuant to rules which the Commissioner may establish) shall be made for each grade span identified for the purposes of paragraph (3)(C), and that the selection of eligible attendance areas shall be made in such a manner as to insure that the percentage of students served in each grade span will be approximately equal to the percentage of all students enrolled in each such grade span.

Additional Discussion

At present, school rankings are discussed only in the regulations. The statute treats only the eligibility of school attendance areas (or schools under certain circumstances) [Sec. 241e(a)(1)(A)]. Rankings of eligible attendance areas are necessitated by the fact that not all eligible areas can be served with available funds in a manner consistent with the requirement that projects be of "sufficient size, scope, and quality" and involve an expenditure of not less than $2,500 [Id. at (B)].

Although ranking is not specifically treated in the statute, it is affected by the 1974 addition of paragraph (13) to Sec. 241e(a) [Sec. 141(a)(B) of the Act]. This added provision allows an LEA to treat a formerly eligible attendance area as if it were eligible for two years

even if the requirements of Sec. 241e(a)(1)(A) are not met. This has been called a "two-year hold harmless on eligibility." OE has interpreted this change to mean that such attendance areas are exempted from ranking ("OE Program Support Package: Title I ESEA Basic Revisions P.L. 93-380," and new regulations Sec. 116a.20(c) and (g)).

The regulations have also interpreted the statutory language "high concentrations" to mean "greater than the district average" [Sec. 116a.20(b)]. See also comment one and response at 40 F.R. 42898, September 28, 1976]. Calculation of the concentrations of low-income children may be based on either the percent or the number of such children (although the guidelines state a preference for the percent method, Program Guide 44, Sec. 1.1). This information is used to determine which school attendance areas are 'eligible.'

Once eligible attendance areas are identified they are then to be "ranked," i.e., listed in order of their concentrations. Then, attendance areas are selected for projects in order of their ranking. Strict selection in order is known as "no skip," a provision formerly in guidelines, now in the regulations (Sec. 116a.20(c)(1)). Deviation from the no skip provision is allowed if the LEA can demonstrate that the "incidence and severity of educational deprivation" in an area the LEA wishes to 'skip' is "substantially less" than that in a lower ranked area the LEA wishes to serve.

A new addition to the regulations now allows (but does not require) the LEA to set up separate rankings for each grade span grouping required for comparability reporting [116a.20(b)(5) referring to the comparability grouping rule at 116a.26(i)(1)]. Note, however, that comments to the proposed regulations requested this change to allow the LEA greater discretion in the selection of attendance areas, consistent with the LEA's

decision as to which children are most in need (See Comment 3 to Sec. 116a.20 and response, 41 F.R. 42898, September 28, 1976). This raises the possibility that simply requiring separate rankings could serve to further cement the early grade policy rather than dislodge it.

We considered proposing that separate rankings be established and then that services be provided in order for each grade span, i.e., 'no skip' by and between grade spans. This would mean, e.g., that the elementary, junior high, and high schools ranked first would all be served, then those ranked second would all be served, and so on until projects of "sufficient size, scope and quality" could no longer be mounted. This option was rejected since the greater size of secondary schools relative to their feeder elementary schools would, in effect, create a reverse bias in favor of secondary schools.

Our concern is that participation of older students is increased, and that students from all grade levels are selected on an equitable basis. Since simply requiring 'equity' would be difficult to implement and enforce, we selected the intermediate position described in the text. This intermediate proposal uses the percentages of students enrolled in each grade span as a proxy for equitable distribution of resources. Selection of eligible attendance areas, under this plan, would be such as to produce participation of students in Title I projects approximately equal to that percentage. The term "approximately equal" is used so that minor deviations will not produce audit exceptions, i.e., to provide LEAs with some practical leeway.

Using Marginal Appropriations

Sample Legislation

The specific legislative change needed to implement this proposal would be accomplishing by adding a new Section 152 of the Act.

Sec. 152. Uses of Certain Funds for Services to Schools Serving Secondary Attendance Areas

(1) Any funds appropriated for the purposes of this subchapter in excess of $_____, shall be used (except as prescribed in subsection [3] of this section) to establish or improve projects for educationally deprived children in schools serving secondary attendance areas having high concentrations of children from low income families.

(2) Except as otherwise provided, funds under this section shall be distributed to states in the same manner as funds provided under Part A of this subchapter.

(3) Funds under this section shall not be used for programs or projects in schools serving elementary attendance areas in a district unless the percentage of children served in grades 7-12 in the district is at least equal to the percentage of children served in grades K-6, under this subchapter.

(4) Applications for funds under this section shall include information concerning the policies and procedures as will insure:

(A) that funds granted under this section will be used, in accordance with the applicable provisions of this subchapter;

(B) that funds granted under this section will not be used to replace any funds which would have been provided to schools serving secondary attendance areas under this subchapter;

(C) that the amount of funds provided to schools serving secondary attendance areas under Parts A, B, and C of this subchapter shall not be less than the amounts so provided for the preceeding fiscal year;

(D) that teachers of the children to be served were consulted and involved in the planning of the project, and will continue regularly to be so consulted and involved throughout the development and operation of the project.

(5) Nothing in this section prohibits the concurrent use of funds under Parts A, B, and C of this title to establish or improve projects of sufficient size, scope, and quality as provided under this subchapter.

(6) For the purposes of this section the term "secondary attendance areas" means, in relation to a particular public school serving grades 7 or above, the geographical area in which the children who are normally served by that school reside.

Additional Discussion

• One potential difficulty in the use of marginal appropriations could be encountered here if the first year's increment under this system is too small. The average percentage incremental increase in Title I has been about 9 percent (absolute dollars), and a first-year increase of this size would provide adequate funds to avoid the worst of the underfunding problems. It should be noted, however, that there have been years when Title I appropriations have increased by less than 1 percent and a first-year increment at this level could seriously hamper the proposal. Among the various possible funding options, the proposal we selected would be the least hampered, however, by relatively low initial funding, since there are practically no startup costs at the federal and state levels. Because existing administrative networks and procedures would be used almost intact, this proposal would be in the Congressional tradition of phasing in appropriations.

• Money would be distributed from states to county levels according to whatever allocation index has been used for Title I. The result would be that, as at the state level, all county allocations would be increased by a specific percentage.

Distribution from state to county demonstrates the relative savings incurred by building into the existing Title I procedures, since no new collection of data is required. Note, however, that the increase of county allocations is subject to normal changes due to shifts of population within states; thus it is possible that a small percentage of counties would not be increased. This would have happened, of course, under Title I whether or not this proposal were adopted.

- Money is distributed from the county to the district level according to whatever subdistrict allocation formula is currently in use for Title I. However, only those districts that include grades 7 or above would be eligible to receive a portion of the incremental increase. The allocation to districts comprising only elementary schools would be held harmless from the previous year, but would not be increased by a share of the county's percentage increment.

This is the first point at which the proposal differs from current practice. Subcounty allocation formulas vary greatly both among and within states, and this proposal is not aimed at their reform. However, specific measures need to be incorporated to cope with the fact that a few states have school districts consisting entirely of either elementary or secondary schools. Since increments in funding are to be reserved for grades 7 and above, those districts composed only of elementary schools (grades 1-6) would receive only an amount equal to the previous year's allocation (subject to demographic changes that would be reflected in the subcounty allocation formula). This means that a definition of "secondary attendance area" must be arrived at and inserted in the legislation. We have used the definition below:

For the purposes of this Proposal, the term "secondary attendance areas" means, in relation to a particular public school serving grades 7 or above, the geographical area in which the children who are normally served by that school reside. Where a school district contains an intermediate or middle school serving grades 6-8, the geographical area in which the children who are normally served by that school reside shall also be considered a secondary attendance area for the purposes of this Proposal.

Because of changes over time in the distribution of the poverty population, some small number of districts would not receive any increment in funds during a given year. In such cases the provisions of this proposal would not apply. It is not the intention of this proposal to force the redistribution of all compensatory education money. Any district could change the distribution of all of its Title I base money to serve more older students. But we expect that this would rarely happen.

- Alternatively, the incremental money could be distributed according to a procedure that weighted the existing Title I formula by the proportion of secondary-aged students in the state. Similar weighting would be used at county and district levels.

This procedure maintains the emphasis on poverty and adds a companion emphasis on adolescents. The base count of adolescents would be derived from residence rather than enrollment. Districts with the highest poverty rates are also those with the highest dropout rates. If secondary enrollment counts were used to distribute money, the result would be to underfund exactly those districts that are most in need of help. Therefore, a residence count is used instead.

- The SEA will determine that LEAs have not used incremental monies provided here to supplant Title I basic funds that had previously funded projects in grades 7 or above.

This amounts to constructing a hold-harmless clause on existing intermediate and secondary level projects. Without it, the total effect of the proposal would be to decrease rather than increase compensatory education for older students, since the 20 percent of Title I funds now spent in these grades could simply be shifted into the elementary grades. In unified districts, it is imperative to insure that new money is added to whatever effort is being made in the upper grades and that the total effect is to increase effort in the intermediate and secondary schools. Unified districts may have to adopt some new accounting procedures to assure this, but these procedures are not particularly burdensome. Authority is placed with the SEA to assure that the intention of the new funds is carried out, presumably as a part of the LEA-to-SEA application for funds.

- LEAs must identify educationally disadvantaged students in all grades served by that district and must assess their special educational needs.

As part of the Title I application and planning process, LEAs are required to conduct needs assessments. In the past, one mechanism for excluding eligible and needy secondary students from Title I services has been to ignore the secondary grades when the needs assessment is being conducted. In recent years, federal review teams have begun to discourage this, but have met with limited success due to prior support given to this practice. An example of this change is seen in the 1974 OE program review for California:

> State instructions to LEAs do not convey the importance of the comprehensive assessment of the needs of educationally deprived children, aged 5-17, in target areas. Some LEAs, presumably because of State policy to emphasize primary grade programs, do not survey the needs of children in the higher grades, who, under the regulations, are eligible for services if they are educationally deprived and reside in target areas.

Current law and regulations (including 1976 regulations) are sufficiently ambiguous to preclude an assurance that the needs assessment will include students in the upper grades. Federal program auditors from outside the Office of Education, employing a stricter reading of the needs assessment regulation, began to criticize policies restricting needs assessments to the early grades well before a sense of this deficiency was reflected in OE documents.

Since neither the audits nor the later OE program reviews seem to have been effective in making the "comprehensive needs assessment" truly comprehensive (i.e., as to grade levels), the recommended stipulation is necessary to remove the apparent discretionary power to exclude older students.

- If the alternative distribution formula is used, which weights LEA grants by counts of secondary-aged children in residence, then LEAs are required to estimate the number of secondary-aged students not currently enrolled in schools who are in need of the program's services. Up to 35 percent of "secondary" funds could be used to serve this out-of-school population.

This provision is similar, on the one hand, to old Title VIII (dropout) and, on the other hand, to current instructions to serve educationally disadvantaged students in nonpublic schools. However, service to these students is made optional for two reasons. First, because the needs and abilities of LEAs will differ widely with respect to assisting out-of-school students, it would be senselessly restrictive to mandate a level of service here. Second, most schools will be best prepared initially to deal with students still in school; for the first years, when total funding may be low, this concentration within the schools seems wise.

- The SEA will determine, as a condition of distributing the incremental money provided here, that LEAs have engaged in adequate planning for school and district projects and have provided for inservice training or retraining of project staff that is adequate to the design of the project(s) proposed.

As of the 1974 amendments, Title I specifically states that LEAs may use money for inservice and retraining activities. We believe that almost all districts will need a good deal of personnel development for secondary projects. However, the needs of individual districts and schools will vary a great deal, both among themselves and across years. Therefore it seems unhelpful to require that every district must spend the same percentage of its money on these activities. Instead, the SEA is given the authority to determine whether LEAs have provided appropriately for inservice training as part of the application process.

- Inservice activities within LEAs may include regular classroom teachers who teach substantial numbers of project students, so long as the inservice training contributes specifically to helping these teachers meet the special educational needs of project students and is related to the overall project design.

The involvement of the regular classroom teacher is particulary vital to establishing stable intermediate and secondary level compensatory education projects and to bringing the low-achieving student back into the intellectual life of the school. The 1976 regulations for Title I have adopted specific provisions dealing with training which resemble the changes we have proposed. There remains some ambiguity, however, as to whether regular classroom teachers must teach only Title I participants in the regular classroom. Although we believe the 1976 modification is a useful one, we would clarify that a regular classroom teacher of substantial numbers of Title I participants could be involved in Title I inservice training. The proviso that the training must relate to the overall project design and contribute specifically to helping teachers

meet the special educational needs of Title I students should serve to preclude training activities from being used as general aid.

- During the first year of funding, a school site project may spend its budget on planning and inservice activities, materials development, and such other activities as are vital to insuring the smooth implementation of the project during the following year.

Because Proposal A is attached to an existing program (ESEA Title I) it does not include a specific startup phase that would ordinarily fund the necessary planning activities. Secondary projects, in particular, need time to plan for smooth organizational transition and to develop sound pedagogical designs and strong staffs. This provision allows them to do so during the first year of funding at a given site. It also provided a modicum of insurance against the possibility of an unduly small incremental increase during the first year; funds that might not be adequate to a full year of program operation (especially the first year) would nevertheless be extremely helpful if used for these preparation activities. However, some districts already have relatively well-developed secondary level programs, and would not need this planning time. Therefore this startup period has been made optional rather than mandatory.

- Two additional appropriations will be made to assist the necessary teacher training. First, an appropriation is to be added for establishing projects of applied research, demonstration, and dissemination on the inservice and retraining activities of teachers in secondary and compensatory education projects.
Second, an appropriation is to be added for establishing grants to a selected number of schools or departments of education within IHEs in order to upgrade their programs in the area of basic skills instruction for intermediate and secondary schools.

Once money is provided to local projects, the skills, confidence, and enthusiasm of project teachers will be the most crucial factor in project success. These two additional appropriations would provide the basis for building teacher skills both directly, through the development and dissemination of models of inservice training for LEA use, and indirectly, by strengthening the capacity of Institutes of Higher Education (IHEs) to serve teacher communities. However, there is little argument that teacher-education systems are in a state of disarray at the present time and are still producing too many entering teachers for the current job market. Under these circumstances, it would be wasteful and counterproductive to provide across-the-board funding. Instead, money is provided to a selection of those IHEs that are best equipped to be of immediate assistance to LEAs.

- In order to prevent spreading money too thin, some restriction is needed regarding the number and size of projects.

Current Title I language specifies that projects must be of sufficient "size, scope and quality" and that "a limited number of projects at a limited number of sites" is to be funded. Because there are fewer intermediate and secondary schools per district, this is less of a problem in any event than at the elementary school level. Nevertheless, existing language should be retained.

- A district may spend its incremental money on elementary school projects if and only if it can demonstrate that in the previous year, the total amount of money received under all parts of Title I was equally divided between grades 1-6 and grades 7-12 adjusted proportionate to enrollment in these grade groups.

establish an advisory council for each school of such agency served by a program or project assisted under section 241g(a)(2) of this title, each of which advisory councils--

(A) has a majority of its members parents of the children to be served,

(B) is composed of members selected by the parents in each school attendance area,

(C) has been given responsibility by such agency for advising it in the planning for, and the implementation and evaluation of such programs and projects, and

(D) is provided by such agency, in accordance with regulations of the Commissioner, with access to appropriate information concerning such programs and projects.

This sample legislative language above requires a majority of each council to be composed of parents of educationally-eligible children in schools eligible by virtue of their low-income concentrations. The specific wording is intended to assure that parents of dropouts may also be counted towards the majority, as well as parents of children in schools eligible by virtue of their low-income concentrations. The specific wording is intended to assure that parents of dropouts may also be counted towards the majority, as well as parents of children in schools eligible because high concentrations of low-income children are enrolled. (This 'school eligibility' was added in 1974 (Sec. 241e(a)(1)(A)] to accomodate districts having large numbers of non-low-income students enrolled in private schools.) It also adds the requirement that the majority of parents of educationally-eligible children must also represent each grade level proportionately, regardless of the grade levels served by a particular project.

Needs Assessment

Sample Legislation

The necessary action is to amend Sec. 141 of the Act--criteria for SEA approval of LEA applications--by adding paragraph 16:

It is not the object of this proposal to permanently favor the secondary grades, but only to achieve a balance that is consistent with the age distribution and special educational needs of the entire eligible population. As soon as this balance has been achieved by the district (as may already be the case in one of two states), restrictions on the use of incremental money are to be removed. This is similar to the achievement of a "unitary district" for the purposes of desegregation.

Neutral Procedures

Parent Advisory Councils

Sample Legislation

Revise Sec. 141a(14) of the Act to read:

> (A) has a majority of its member parents of educationally-deprived children in each grade of the district (or each grade in a participating school of such district in the case of school advisory councils) in proportion to the numbers of such children in each grade who (i) reside in eligible attendance areas or (ii) attend schools eligible to receive services under this subchapter as provided in paragraph (1)(A), ...

Additional Discussion

The requirement for establishment of parent advisory councils is contained in Sec. 141(a)(14) of the Act which specifies criteria for SEA approval of the LEA application.

The statute presently states that an LEA may receive a grant if approved by the SEA based on its determination:

> (14) that the local educational agency shall establish an advisory council for the entire school district and shall

(16) that the local educational agency has identified and assessed the special educational needs of educationally deprived children (as described in paragraph (1)(A)) at all ages and grade levels for which funds under this subchapter are made available, and that selection of educationally deprived children for participation in programs and projects under this subchapter shall be based upon the assessment of special educational needs as specified herein.

Additional Discussion

The statutory basis for the needs assessment is in the law's policy statement that Title I money is to be used so as to "contribute particularly to meeting the special educational needs of educationally deprived children." (Sec. 241a) From this language it follows that educationally deprived children and their special educational needs must be identified. The language proposed in the text will formally recognize the needs assessment as well as assure that no grade levels are excluded from the process.

The new regulations (116a.21) describe the needs assessment process with greater particularity than former versions. A summary of that process follows:

(a) Review of Existing Data--Information from evaluations of past Title I projects, and student performance in the LEA's basic program, at minimum is to be reviewed to determine the "incidence and severity of educational deprivation among all children residing in an eligible attendance area."

(b) Selection of Project Areas, Target Groups, and the Needs to be Served--Project areas are selected based on school attendance area eligibility and rankings. Then, based on the review in (a) the LEA selects "the age, or grade levels at which it will operate the Title I project or projects" [emphasis added]. Following this, the types of educational needs to be addressed by the projects are selected.

(c) Identification of All Target Group Children--The next step is to use "appropriate data and specified criteria" to select "all of the educationally deprived children in the project areas, who are in the age or grade levels and have the types of educational needs identified in accordance with paragraph (b) [emphasis added].

(d) Identification of Children Most in Need--The LEA is then to secure "any additional objective data" which combined with that in (a) will enable the LEA to identify the educationally deprived children "most in need of special assistance."

(e) Selection Criteria--Using specified selection criteria, the LEA selects children based on "greatest need" or based on their prior year's participation in a project "if such children are still educationally deprived."

(f) Diagnostic Procedures--To be used to determine the special educational needs of the children chosen to participate.

(g) Finally, in making the above determinations the LEA is directed to consult with "teachers, parents, and person knowledgeable of the needs or private and public schools children and children in local institutions for neglected or delinquent children."

This process was first specified in the regulations in 1976, and allows the LEA to make a decision to serve students in a particular grade or grades (e.g., grades 1-3 or 1-6) before deciding which of the educationally deprived children are "most in need" of Title I assistance, and even before "all target group children" are identified. This procedure might well be an acceptable one were it not for the existence of entrenched policies favoring the early grades' participation in Title I programs.

The proposed language is not intended to abrogate the local discretion to select Title I participants or the needs to be addressed. Rather the proposed change is intended to assure that in making these decisions the LEA has considered and "assessed" the needs of all children, so that a decision to serve particular grade levels is based on objective criteria and current data (i.e., identified needs and those in "greatest need").

Finally, we did not recommend that ranking by grade span, be adopted as a "neutral procedure" without making other changes simultaneously. Such rankings by grade span were allowed in the 1976 regulations to increase LEA discretion in the choice of attendance areas. The following Comment and Response prefacing the 1976 regulations is illustrative of the problem they raise for secondary students.

3. Comment. Many commenters requested the addition of a specific provision for determining the eligibility of attendance areas on the basis of separate averages and separate rankings for elementary, middle or junior high, and high schools. For example, a local educational agency with one high school or an agency with several overlapping attendance areas for different grade spans could be prevented from providing Title I services to the children it considered most in need if only one district-wide average were used.

Response. Appropriate provisions have been added in a new subparagraph (b)(5) so that local educational agencies have greater discretion to select areas with high concentrations of children from low-income families and may, at their option, use separate average and separate rankings by grade span in the selection of areas for projects.

[41 F.R. 42898 (Sept. 28, 1976)

Given the existence of entrenched early grade policies, exercise of the discretion by the LEA to choose attendance areas in such a way as to serve children "it considered most in need" would likely not result in increased participation of older students.

TAB B2

SUMMER AND LONGITUDINAL PROJECTS
SAMPLE LEGISLATION AND ADDITIONAL DISCUSSION

B2 SUMMER AND LONGITUDINAL PROJECTS

Modified Procedures

Applications - Sample Legislation

Sec. 403 of the Act is amended to add a new paragraph (17).

> (17) that the local educational agency has set forth well-developed plans to assure that educationally deprived children receive special assistance designed to continue and reinforce gains made while participating in programs under this subchapter which plans shall include consideration of the benefits to be derived through the operation of coordinated activities conducted during the summer months and through operation of longitudinal projects as defined in Sec. 244 (20).

Also, Sec. 403 of the Act--"Definitions"--is amended to add paragraph (18):

> Sec. 403 (18) "Longitudinal Program" for the purposes of subchapter II, longitudinal program means an overall plan for a set of activities designed to assist certain educationally deprived children throughout several successive years so as to reinforce and sustain a level of achievement appropriate for children of their age.

Selection and Retention of Students - Sample Legislation

The necessary change is to create a new Section 141B of the Act as follows:

> 141B Selection of Project Participants--Criteria
>
> In the case of a local educational agency which is unable, consistent with Sec. (241e(a)(1)(B)) to serve all educationally deprived children eligible for assistance under

this subchapter, such agency shall set forth specific criteria for selecting those educationally deprived children for participation (a) who are in greatest need of the special educational assistance to be provided under this subchapter, (b) who participated in a project in the previous year and are still educationally deprived, or (c) who are in need of an additional year of participation to reinforce and sustain the gains made through prior participation in projects assisted under this subchapter, as determined by their level of achievement at the beginning of the school year covered by the application.

Subsection (a) above reflects the traditional selection criterion. Subsection (b) incorporates the new regulations change discussed above into the statute. Subsection (c) adds the authority to keep a successful Title I participant--who would not otherwise be classified as "educationally deprived"--in the program for an additional year to reinforce a gain made up to some average level of achievement.

Coordinated Planning - Sample Legislation

To set in motion the administrative adjustment to encourage coordinated summer projects, the following definitions should be added to the statute:

Sec. 403 of the Act "Definitions" is amended to add:

(19) "Program." For the purposes of subchapter II, programs means an overall plan with respect to funds made available under such subchapter designed to (1) coordinate activities conducted in the summer with those of the regular school year and (2) consider the benefits to be derived through the operation of longitudinal projects as defined in paragraph (18), so as to insure that participants receive special assistance designed to continue and reinforce gains made through assistance provided under such subchapters.

(20) "Project." For the purposes of subchapter II, project means an activity or set of activities proposed by a local educational agency and designed to meet certain of the special educational needs of educationally deprived children, and to implement a 'program,' as defined in paragraph (19).

Since the statute currently refers to "programs and projects" generally, this change not only clarifies the distinction but requires a "program" by definition to coordinate school year activities with those in the summer.

Experimental Program

Sample Legislation

The following statutory language is proposed to add a new Section 152 of the Act.

Sec. 152

(1) In recognition of the need to better understand the effects of the summer months on the educational achievement of educationally deprived children, and in order to encourage the development of coordinated programs as defined in Sec. 244(19), the Commissioner is hereby authorized to select (#) local educational agencies on a competitive basis for participation under this section. Those agencies chosen shall be specially assisted in the development, design, implementation and evaluation of programs specifically designed to alleviate or negate achievement loss of participants during the summer months.

(2) For the purposes of this section only, the Commissioner is authorized to waive any provision of this subchapter, or rules issued pursuant thereto, for the participating LEAs if, in the judgement of the Commissioner, such waiver would best serve the purposes of this section and that the activities to be implemented pursuant to any such waivers shall be consistent with the overall intent of this subchapter.

(3) Particular consideration shall be given to such innovative designs as year round schools, planning and inservice designs to maximize year to year retention of skills gains, longitudinal projects to assist a selected group of students for several consecutive years.

Additional Discussion

This proposal authorizes the Commissioner to waive any statutory provision or regulation if the waiver would further the purposes of

the section. The Commissioner is limited, however, only to waivers which will not conflict with the overall Intent of the Act, e.g., 'no supplanting' might be waived for a particular part of a program, but could not be waived across-the-board.

The Commissioner's authority to waive particular provisions of the law could also include allowing participating LEAs to submit applications covering more than one year. For the purposes of these experimental programs such applications may be particularly useful. We have not, however, recommended changing to multi-year applications for all programs. A related option would be for the LEAs to submit a multi-year application to include the major elements of the longitudinal design, and then submit short-form applications annually to include information requiring update. These considerations should be part of the planning of the experimental programs.

Finally, no dollars are attached to this section. It is believed that the chance to design programs with direct OE assistance, get waivers of the regulations, and submit multi-year applications will be sufficient incentive to get volunteer LEAs.

Policy Statement

Additional Discussion

The present "Declaration of Policy" for Title I appears in Section 101 of the Act and reads as follows:

> Sec. 101. In recognition of the special educational needs of children of low-income families and the impact that concentrations of low-income families have on the ability of local educational agencies to support adequate educational programs, the Congress hereby declares it to be the policy of the United States to provide financial assistance (as set forth in the following parts of this title) to local educational agencies serving areas with concentrations of children from low-income families to expand and improve

their educational programs by various means (including pre-school programs) which contribute particularly to meeting the special educational needs of educationally deprived children. (Underlining supplied for reference below.)

We have suggested adding to the end of the statement a clause regarding the continuance and reinforcement of gains made by Title I participants. This was done to encourage longitudinal projects and coordinated summer projects.

Other changes were made to conform to the way Title I is viewed now--12 years later. The first underlined phrase was modified to read "adequately serve those needs." This was done to clarify that Title I is to be used in a categorical manner and not as general aid. The underlined word "expand" was changed to "supplement" in our proposal to clarify that merely more of the same is not within contemplation of the Act.

Although the program is now understood to prohibit general aid and supplanting in spite of the existing language, it seems appropriate to bring the policy statement up to date with other sections (e.g., the no supplanting and comparability clauses passed in 1970).

Finally, we suggest considering changing the term 'educationally deprived' to some other term which better describes Title I participants. "Educationally disadvantaged" is used in the General Education Provisions Act (Sec. 417(a)(2), 20 USC 1226c(a)(2); "low-achieving" is another possibility. The term "deprived" now carries a pejorative connotation and is rarely used in the context of compensatory education. It might be appropriate, therefore, to have the legislative terminology reflect the more recent usage of terms such as "disadvantaged." Since this issue was not directly related to our proposals, it was not discussed in the text.

TAB B3

EVALUATION SAMPLE LEGISLATION
AND ADDITIONAL DISCUSSION

B3 EVALUATION

Application Criteria

Sample Legislation

Section 241e(a)(6) is amended to add the underlined:

(6) That effective procedures, including provision for appropriate objective measurements of educational achievement, will be adopted for evaluating at least annually the effectiveness of the programs in meeting the special educational needs of educationally deprived children, and that due considerations has been given to assessing the extent to which achievement gains made by such children persist at least to the beginning of the following school year;

Additional Discussion

There are no explicit statutory requirements that Title I evaluations be tied to the application process except that the LEA must show in the application that procedures for evaluation "will be adopted" [241e(a)(b)]. The regulations (116a.21(a), however, require that "past evaluations of Title I projects" be used at the beginning of the needs assessment process to determine "the incidence and severity of education deprivation among all children residing in an eligible attendance area." Thus the needs assessment provides some link between past evaluations and the application. In practice, LEAs have conducted testing on a Fall-to-Spring basis. This allows the Spring scores to be used both as a post-test data point, and also as an indication of the "incidence and severity of educational deprivation." The advantage of this is to minimize the time and expense involved in conducting more frequent testing.

If Fall-to-Fall is to be the required time-frame to judge achievement levels, some administrative adjustments will be needed to accommodate the requirements of the needs assessment and the exigencies of student selection. This may well mean Fall-Spring-Fall testing, although other alternatives may be devised. To the extent that these technical problems do arise, their resolution (at least for now) is best left to the administering agency. The nature of this problem does not lend itself to Congressional lawmaking.

Commissioner's Evaluation Models

Sample Legislation

P.L. 93-380 added a new Section 151 of the Act which requires, among other things, that the Commissioner develop models for the evaluation of Title I programs. The proposed addition to subsection (d) and subsection (f) of that section are intended to express Congressional intent that such models incorporate assessments of sustained gains on a longitudinal basis.

Accordingly, subsection (d) is amended to add the underlined:

> (d) The Commissioner shall provide to State educational agencies, models for evaluations of all programs conducted under this subchapter for their use in carrying out their functions under section 241g(a) of this title, which shall include uniform procedures and criteria to be utilized by local educational agencies, as well as by State agency in the evaluation of such programs. Such models shall include procedures for assessing the impact of the program sustained beyond the school year.

Subsection (f) is amended to delete the parenthetical language following the word "techniques" -- "(such as longitudinal studies of children involved in such programs)" -- and to add the underlined:

> (f) The models developed by the Commissioner shall specify objective criteria which shall be utilized in the evaluation of all programs and shall outline techniques including longitudinal studies of children involved in such programs (such as assessments of their level of achievement at the beginning of the following school year) and methodology...

Capacity Building

Sample Legislation

Section 1831 (Sec. 401 of Title IVC of the Act) may be amended to add paragraph (5) to subsection (a) dealing with use of grants to states for innovation and support [old Title V]:

> (5) for developing methods to assess the achievement of participants in programs assisted under Title I of the Act on a multi-year longitudinal basis and in such a manner as to determine the extent to which gains made by participants are sustained by them at least to the beginning of the following school year;

Definition

Sample Legislation

Section 403 of the Act may be amended to add the following:

> (21) "Longitudinal evaluation" for the purposes of this Act means an assessment that, at minimum, measures the achievement of students upon entry in a Title I program (fall of a school year) and twelve months later (fall of the next school year) for each year of program participation by such students.

Tab B4

"LEGAL" ALTERNATIVES TO PULLOUT DESIGNS: SAMPLE LEGISLATION

B4 "LEGAL" ALTERNATIVES TO PULLOUT DESIGNS

Reservations to the Supplanting Clause

Sample Legislation

Section 141(a)(3)(B) of the Act may be amended to add the following proviso to the 'no supplanting' clause:

> Provided, that nothing in this paragraph shall be construed to prohibit the provision of special educational assistance under this subchapter entirely or partially in regular classrooms, so long as it can be determined that the requirements and restrictions pertaining to the use of funds provided under this subchapter are met.

Tab B5

PRIORITY USE OF FUNDS: SAMPLE LEGISLATION

B5 PRIORITY USES OF NEW FUNDS

The proposed language to institute this change would be added to Section 141 of the Act dealing with the LEA application. Specifically, a new subsection (c) is added (existing subsection (c) becomes (d) as follows:

> (c) It is the intent of Congress that greater attention be paid to certain activities and organizational arrangements in the design and operation of programs and projects assisted under this subchapter. To implement the intent of this subsection, each local educational agency in its application for a grant under this title, and each state educational agency in approving such applications, shall give due consideration to:
>
> (1) providing services to educationally deprived children in grades seven through twelve,
>
> (2) the design of summer activities which are coordinated with the prior year's projects to insure that participants receive assistance designed to continue and reinforce the gains made during the prior school year,
>
> (3) projects specially designed to provide continuity between special assistance under this subchapter and the participating students' regular classroom experiences, and to minimize the isolation of educationally deprived children selected for participation from other students,
>
> (4) providing for the continuation of services made available under this subchapter to students who participated in the prior year but who are (A) not achieving at a level appropriate for children of their age, or (B) are in need of an additional year of participation to continue and reinforce gains made during such prior participation,
>
> (5) including provisions to assess the extent to which achievement gains made by participants in programs under this subchapter persist at least to the beginning of the following school year.